

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,
vs.

JEREMY LEO TINCER,

Defendant.

CR-20-11-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on October 11, 2022. (Doc. 60.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on October 4, 2022. (Doc. 55.) The United States accused Jeremy Tincher (Tincher) of violating his conditions of supervised release 1) by using methamphetamine; 2) by failing to

report for substance abuse testing; 3) by failing to participate in substance abuse testing; and 4) by consuming alcohol. (Doc. 52.)

At the revocation hearing, Tincher admitted to violating the conditions of his supervised release 1) by using methamphetamine on one occasion; 2) by failing to report for substance abuse testing; 3) by failing to participate in substance abuse testing; and 4) by consuming alcohol. The Court dismissed alleged violation 1, one of the instances of using methamphetamine, on the government's motion. (Doc. 55.) Judge Johnston found that the violations Tincher admitted proved to be serious and warranted revocation, and recommended revocation of Tincher's supervised release and recommended that Tincher receive a custodial sentence of 3 months, with 21 months of supervised release to follow, with the first 60 days of supervised release at Connections Corrections in Butte, Montana. Judge Johnston also recommended Tincher should reside at a sober living facility as directed by his probation officer. (Doc. 60.) Tincher was advised of his right to appeal and his right to allocute before the undersigned. The violations prove serious and warrant revocation of Tincher's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 60) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Jeremy Leo Tincher be sentenced to the Bureau of

Prisons for 3 months, with 21 months of supervised release to follow, with the first 60 days of supervised release at Connections Corrections in Butte, Montana. Upon completion of Tincher's 60-day term at Connections Corrections, Tincher should reside at a sober living facility as directed by his probation officer.

DATED this 26th day of October, 2022.



Brian Morris, Chief District Judge
United States District Court